

## REMARKS

In response to the Final Office Action dated May 11, 2010, claim 1 has been amended. Claims 1-2, 4-9, 12 and 19-28 are pending in the application.

In paragraph 2 on page 2 of the Office Action, claims 1, 2, 4-9, 19-22 and 27-28 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Naimpally in view of Aoki, and in further view of Kotz.

In paragraph 3 on page 16 of the Office Action, claim 12 was rejected under 35 U.S.C. § 103(b) as being unpatentable over Naimpally in view of Aoki and Kotz, and in further view of Chang.

In paragraph 4 on page 17 of the Office Action, claims 23-26 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Naimpally in view of Aoki and Kotz, and in further view of Ellis.

Applicant respectfully traverses the rejection. Applicant has amended claim 1 to recite the recommendation engine/subsystem as recited in independent claims 19 and 28.

Independent claim 1 sets forth a recommendation engine for providing a customized viewing-recommendations list for the viewer subsystem based upon the programming data maintained at the distribution head of the content distributor and a customized viewing profile information and viewer content selection history associated with a user of the viewer subsystem, an interface device of the content distributor provided at the viewer subsystem, having an electronic program guide and configured and operative to implement the smart audio guide system functions, a smart audio guide audio package maintained at the head end of the content distributor that includes at least a plurality of smart audio guide audio clips corresponding to each program included in the

programming data maintained at the distribution head of the content distributor and a smart guide actuator that is configured and operative in response to one or more predetermined conditions to activate the rendering of the smart audio guide audio clips and the customized viewing-recommendations list, wherein the plurality of smart audio guide audio clips are generated at a head-end of the content distributor and stored in a database at the head-end, wherein said interface device is configured and operative to display a recommended program listing at the view subsystem based upon the customized viewing-recommendations list and to retrieve smart audio guide audio clips corresponding to the programs in the recommended program listing, wherein the retrieved smart audio guide audio clips are uttered in a predetermined mode at the viewer subsystem via the audio unit when activated to identify the programs in the recommended program listing for viewing at the viewer subsystem based upon the customized viewing-recommendations list, and wherein the plurality of smart audio guide audio clips are uttered synchronously with a corresponding visual presentation of a matching program in the recommended programming list. Independent claims 19 and 28 include similar elements.

Naimpally merely describes a system that stores EPG information, and that includes a text-to-speech (TTS) synthesizer that is used to convert text to speech (audio). Naimpally discloses that a user may navigate the EPG text displayed on the screen so that when the user focuses on a specific grid of the EPG, the audio portion corresponding to the specific grid may then be announced by voice.

However, Naimpally fails to disclose that only recommended programs are provided in a recommended list and that only audio clips associated with recommended

programs are uttered in synch with matching programs from the recommended program list.

Naimpally fails to disclose a smart audio guide system for use with a content distribution network of a content distributor that includes a distribution head-end. Rather, Naimpally discloses that the text to speech conversion system is disposed as the head-end. Rather, Naimpally discloses that the smart audio guide system is the information appliance which is at the location of the user as part of the integrated television.

Further, the Office Action alleges that Naimpally discloses that the plurality of smart audio guide audio clips are uttered and a corresponding visual presentation of the information is modified respectively to synchronize the uttering of each of the plurality of smart audio guide audio clips with matching program data in the visual presentation of the information. However, Naimpally does not mention modifying a corresponding visual presentation of the information to synchronize the uttering of each of the plurality of smart audio guide audio clips with matching program data. Rather, Naimpally merely discloses a digital converters that receive baseband video and audio signals from a broadcasting television station, and provide digital audio and digital video to a processor for formatting and synchronization. However, Naimpally is only referring to the formatting and synchronization of the audio and video of broadcasting television.

Naimpally further discloses that when the user focuses on a specific grid of the EPG, the audio portion corresponding to the specific grid may then be announced by voice. However, Naimpally fails to mention modifying a corresponding visual presentation of the information to synchronize the uttering of each of the plurality of smart audio guide audio clips with matching program data.

Thus, Naimpally fails to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 28.

Aoki fails to overcome the deficiencies of Naimpally. Aoki merely discloses a system that uses an EPG and a profile database to identify a single program to the user. Further, Aoki discloses that the recommended program is presented to the user by an agent interface and is not presented in a recommended program list. Still further, Aoki discloses that the recommended program is only presented to the user at a predetermined time immediately prior to the start time of the recommended program. In addition, Aoki discloses that the recommendation agent is disposed at the user's location.

Accordingly, Aoki fails to disclose, teach or suggest a recommendation engine for providing a customized viewing-recommendations list based upon the programming data maintained at the distribution head. Rather, Aoki discloses that all data is maintained at the agent interface, which is located at the user's location.

Aoki fails to disclose, teach or suggest a smart audio guide audio package maintained at the head end of the content distributor. Rather, Aoki discloses that any audio package is maintained at the user's location.

Aoki fails to disclose, teach or suggest the plurality of smart audio guide audio clips are generated at a head-end. Rather, Aoki only discloses identify a single program to the user. Aoki fails to even show a head-end.

Aoki fails to suggest retrieving smart audio guide audio clips corresponding to the programs in the recommended program listing. Aoki fails to suggest that a plurality of smart audio guide audio clips are uttered synchronously with a modified visual presentation of a matching program in the recommended programming list.

Thus, Naimpally and Aoki, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 28.

Kotz fails to overcome the deficiencies of Aoki and Naimpally. Kotz only discloses a server and a client system, wherein a server provides a recommended list of content based on input from the user and feedback regarding recommendations. However, Kotz does not disclose generating recommendations based upon a customized viewing profile information and viewer content selection history associated with a user. Kotz does not even mention monitoring the user's history outside of selections from the recommended list.

Further, Kotz discloses that the content, the management element to maintain database information regarding identified user selections, preferences, attributes, location, etc., the user database, the content store, the personalization engine and communication services are all provided at the server (head-end). Thus, Kotz fails to suggest a smart audio guide system for use with a content distribution network of a content distributor that includes a distribution head-end. According to Kotz, the content recommendation and recommendation processing is carried out at the server (head-end).

Chang fails to overcome the deficiencies of Aoki, Naimpally and Kotz. Rather, Chang is merely cited as disclosing temporarily discontinuing audio.

Chang fails to suggest a smart audio guide audio package maintained at the head end for providing a plurality of smart audio guide audio clips corresponding to each program included in the programming data maintained at the distribution head of the content distributor.

Chang also fails to suggest that the plurality of smart audio guide audio clips are generated at a head-end of the content distributor and stored in a database at the head-end. Chang also fails to suggest retrieving audio clips corresponding to the programs in the recommended program listing. Chang further fails to suggest audio clips are uttered synchronously with a corresponding visual presentation of a matching program in a recommended programming list.

Thus, Aoki, Naimpally and Chang, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 28.

Ellis fails to overcome the deficiencies of Aoki, Naimpally, Kotz and Chang. The Office Action states that Ellis discloses that a normal presentation of the EPG is modified in response to the presence of recommended content within an EPG page. However, Ellis merely discloses a flip bar showing a program replacement guide is displayed over a blank screen when a program has been blacked out to recommend replacement media. Programs may be recommended because they have similar program attributes as a blacked-out program or based on a user's viewing habits. However, Ellis does not mention modifying a corresponding visual presentation of the information to synchronize the uttering of each of the plurality of smart audio guide audio clips with matching program data.

Further, Ellis does not suggest a smart audio guide audio package maintained at the head end for providing a plurality of smart audio guide audio clips corresponding to each program included in the programming data maintained at the distribution head of the content distributor.

Ellis also fails to suggest that the plurality of smart audio guide audio clips are generated at a head-end of the content distributor and stored in a database at the head-end. Ellis also fails to suggest retrieving audio clips corresponding to the programs in the recommended program listing. Ellis further fails to suggest audio clips are uttered with a corresponding visual presentation of the information that is modified respectively to synchronize the uttering of each of the plurality of smart audio guide audio clips with matching program data in the visual presentation of the information.

Thus, Aoki, Naimpally, Kotz, Chang and Ellis, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 28.

Dependent claims 2, 4-9, 12 and 20-27 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 1 and 19, respectively. Further dependent claims 2, 4-9, 12 and 20-27 recite additional novel elements and limitations. Applicants reserve the right to argue independently the patentability of these additional novel aspects. Therefore, Applicants respectfully submit that dependent claims 2, 4-9, 12 and 20-27 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

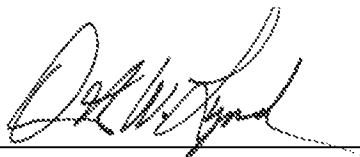
U.S. Patent Application Serial No. 10/524,682  
Amendment dated July 13, 2010  
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If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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